

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	DEMAND		JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR						\$	OTHER			YR.	NUMBER
1085/4	76	0358	7	2	76	2	950	1		P			8510		76	0358-C

PLAINTIFFS

LUCILLE ROBEDEAUX, FRANCIS HOLDING,
ANTWINE PRYOR, individually and on
behalf of all other persons similarly
situated

DEFENDANTS

OKLAHOMA STATE DEPARTMENT OF
CORRECTIONS, F. WARREN BENTON,
Director of the Oklahoma Depart-
ment of Corrections, ~~DAVID BOREN,~~
~~Governor of the State of Oklahoma~~
~~LARRY DERRYBERRY, Attorney General~~
~~of the State of Oklahoma,~~ ~~CECIL D.~~
~~ANDRUS,~~ Secretary of the Interior,
MORRIS THOMPSON, Commissioner of
Indian Affairs, DAVID BALDWIN,
Superintendent of the Osage Indian
Agency, individually and in their
official capacities; OSAGE TRIBAL
COUNCIL: SYLVESTER TINKER, Indivi-
dually and as Principal Chief of
the Osage Tribe, and LAWRENCE
BIGHORSE, individually and as
Principal Chief of the Osage Tribe

CAUSE

Declaratory Judgment and Injunction.

ATTORNEYS

Drummond & Raymond
Cecil G. Drummond
520 Leahy
Pawhuska, OK 74056
287-1641

ALSO:

Drummond, Drummond & Raymond
Utica National Bank Tower, Suite 902
Tulsa, OK 74120
749-7378

Paul Crowe
Asst. Atty. Gen.
State Capitol Bldg.
Okla. City 73105
~~Nathan G. Graham~~
Ken Snoke

Bureau of Indian Affairs:

all material to
Regional Solicitor
Department of the Interior
P.O. Box 3156
Tulsa, Oklahoma 74101

76-C-358C

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	8-1-76
				JS-6	10-1-77

DATE	NR.	PROCEEDINGS
7-2-76	1.	Complaint for declaratory and injunctive relief, filed. Summons issued. ph (Request for 3-Judge Court)
7-2	2.	Motion for preliminary injunction by pltfs., filed. ph
7-2	3.	Affidavit of Cecil G. Drummond in support of preliminary injunction, filed. ph
7-2	MO:	Case is set for hearing upon pltf's appl. for temporary restraining order on 7-14-76 at 2:00 p.m. (HDC-J)ph notices mld
7-12	--	Summons & notice, ret & filed: Served David Baldwin, Sup. Osage Agency on 7-10-76 at Wynana, OK; served Sylvester Tinker on 7-10-76 at Pawhuska, OK; served Osage Tribal Council, serve Chief, on 7-10-76 at Pawhuska, OK; served Lawrence Bighorse on 7-10-76 at Golf Course, Pawhuska, OK; served the USA by serving the US Dist. Atty for ND of OK at Tulsa, OK, on 7-7-76, mailed two copies by cert. mail to Atty Gen., Washington, D.C.; served Larry Derryberry, atty Gen. on 7-7-76 at OKC; served David Boren, Governon on 7-7-76 at OKC; served OKLA. State Dept. of Corrections by serving F. Warren Benton on 7-7-76 at OKC; served F. Warren Benton, Director Okla. Dept. Corrections on 7-7-76 at OKC; served Thomas Kleppe, Sec. of Interior by mailing a copy of summons and notice by cert. mail on 7-7-76; served Morris Thompson, Commissioner of Indian Affairs by mailing a copy to Thompson by cert. mail on 7-7-76; (USM \$105.44)ph
7-14	MO:	Case called for hearing on applic. for TRO. Parties represented. Stipulation entered into by pltf. & govt. counsel accepted by Court as an offer of proof. Statements made. Court denies TRO and temporary injunction and states irreparable injuries have not been shown. (HDC-J)hm
7-27	4.	Motion of def. Okla. State Dept. of Corrections, Benton, Boren and Derryberry, to dismiss, filed. rm
7-27	5.	Brief in support of mo/dismiss, filed. rm
7-27	MO	Ordered by the Ct. that pltf. is granted 10 days to respond to mo/dismiss of defs. Dept. of Corrections, Benton, Boren and Derryberry. (HDC-J)rm letter
8-4	6.	Pltfs' appl. for addit. time to file resp. brief, filed. ph obg
8-5	7.	Order, filed, that pltfs' are granted 30 additional days to file resp. brief. (HDC-J)ph cps mld (now due on 9-5-76)
9-3	8.	Pltf's memo. brief in resp. to motion to dismiss, filed. ph
1-26	9.	Appl. of Thomas E. Kleppe, Morris Thompson, David Baldwin, Osage Tribal Council: Sylvester Tinker and Lawrence Bighorse for leave to file ans. out of time or otherwise plead, filed. ph (O to J)
1-26	10.	Order, filed, granting defs. Sec. of Interior, M. Thompson, D. Baldwin, Osage Tribal Council, S. Tinker, and L. Bighorse, to 2/11/77 to plead or ans. (HDC-J)rm-copies mailed
2-3	11.	Motion to Dismiss of defts. Thomas E. Kleppe, Morris Thompson, David Baldwin, Sylvester Tinker and Lawrence Bighorse, filed. ph
2-3	12.	Brief in support of motion to dismiss of above mentioned defts, filed. ph
2-4	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the motion to dismiss of defts Kleppe, Thompson, Baldwin, Tinker and Bighorse. (HDC-J)ph cps mld
2-18	13.	Pltfs' motion for addit. time to file resp. brief, filed. ph (O to J)
2-18	14.	Order, filed, granting pltf. addit. 30 days to file resp. brief. (HDC-J)ph cps mld

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. <u>76-C-358</u>
LUCILLE ROBEDEAUX, et al		OKLAHOMA STATE DEPARTMENT OF CORRECTIONS, et al		PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS		
<u>1977</u> 3-21	15.	Pltfs' memo. brief in resp. to motion to dismiss filed by Federal Defts., filed. ph		
6-9	MO:	Ordered that case is set for a status conference and a hearing on motions to dismiss of defendants on Tuesday, 6-21-77 at 10:00 a.m. (HDC-J)hm (notices mailed)		
6-21	MO:	Case called for hearing on motions to dismiss of all defts. Statements made. Court makes findings and rules that mo/dismiss of federal defts. is overruled; that Okla. State Dept. of Corrections is a proper party deft. & mo/dismiss of said party & Director of Dept. of Corrections is overruled; that mo/dismiss of defts. David Boren & Larry Derryberry is sustained; that pltf's request for 3-Judge panel is denied. Over no obj. from defts., pltf. is allowed to withdraw pursuit of class action question at t his time, & is given permission to reinstate it at a later date if desired. Over no obj. by defts., pltf. is allowed to withdraw request for relief that Secy. of Interior be required to protect mineral estate owners belonging to Osage Tribe. Hearing broadens into PT hearing at req. of State defts. Parties to prepare a PT order, listing witnesses, trial briefs, suggested F/F & C/L by 7-22-77. If addit. PT conf. desired, parties to so advise. N/J trial set 8-3-77 at 9:00 a.m. (HDC-J)hm		
6-28		Reporter's transcript of proceedings had on 6-21-77, hearing & status conference, filed. hm		
6-28		Reporter's transcript of proceedings had on 7-14-76, hearing, filed.hm		
7-6	16.	Memo. brief of Okla. State Dept. of Corrections in support of motion to dismiss, filed. ph		
7-7	17.	Order, filed and entered, dismissing case as to defts. David Boren and Atty Gen. Larry Derryberry. (HDC-J)ph cps mld		
7-14	MO:	Case set for PT hearing 8-1-77 at 1:30 p.m. (HDC-J)hm (notices mailed)		
7-15	18.	Admissions, fld. by Atty. Gen. of State of Okla. on behalf of Defts. v		
7-25	19.	Defts' list of proposed witnesses, filed. ph		
7-25	20.	Pltfs' proposed list of witnesses, filed.k		
7-25	21.	Admissions by pltfs., filed.k		
7-29	22.	Trial brief of pltfs. and suggested FF/CL, filed.rm		
7-29	23.	Proposed pre-trial order of pltf., filed. rm		
8-1	24.	Answer of state defts., filed. hm		
8-1	25.	Trial brief of state defts., filed. hm		
8-1	26.	Answer of govt. defts, filed in open court. hm		
8-1	27.	State defts' proposed F/F & C/L, filed in open court. hm		
8-1	MO:	Case called for pre-trial hearing. Statements made. Parties make certain stipulations. Defts' ex. 1,2,3,4,5&6 admitted into evid. Pltfs' ex. 1,2&3 admitted into evid. Govt. deft's motion to substitute Cecil D. Andrus, Secy. of Interior, for Thomas Kleppe granted. Trial heretofore set for 8-3-77 at 9:00 a.m. (HDC-J)hm		

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. <u>76-C-358</u>
Lucille Robedeaux, et al		Oklahoma State Department of Corrections, et al		PAGE <u>4</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS		
<u>1977</u> 8-3	--	Subpoena, ret & filed: Served Newell Barker at Pawhuska, OK, on 8-2-77; Served Cecil Wood on 8-2-77 at Pawhuska, OK. (USM \$17.44)ph		
8-3	MO:	Non-jury trial held. Parties announce ready. Stipulations made by parties prior to evidence being received. Pltf. waives opening statement & presents case in chief w/test. of witnesses, introduction of exhibits & rests. State defts' mo/dismissal reserved; govt. defts' mo/dismissal overruled. State defts. present case in chief w/test. of witnesses & rest. Govt. defts. rest. Pltf. presents rebuttal evid. w/test. of witness & rests. Parties rest. Court makes findings & rule that at this time there has been no taking & that there is an adequate remedy of law in the event of deprivation of mineral interests. Court denies request by pltfs. for injunctive relief, dismisses complaint and enters judgment for defendants. State defts' counsel to prepare formal order. (HDC-J)hm		
8-3		Trial exhibits, filed. (some w/file; some in ex. room)hm		
8-3	28.	Govt. defts' memorandum of law, filed in open court. hm		
9-29	29.	Order, filed and entered, that the request for injunctions be denied, and the cause of action is dismissed. (HDC-J)ph cps mld		